

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on March 18, 2008 at 7:02 p.m. after the 6:30 p.m. caucus session, where the Council discussed pending agenda items with Commissioner McKenzie voicing his disapproval of infrastructure expenditures for the 3<sup>rd</sup> and 4<sup>th</sup> floors of the Police Station; and the Strengthen Illinois campaign.

Mayor Cline presiding.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, City Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Deputy Police Chief Jeff Branson, Fire Chief Mike Chism, Assistant Fire Chief Andy Adair, Intern Courtney Cooper, Community Development Coordinator Kyle Gill, and City Clerk Susan J. O'Brien.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of: minutes of the regular meeting March 4, 2008; budget meeting minutes; revenue report; and payroll and bills for the first half of March, 2008.

**Bills and payroll for the first half of March, 2008**

**General Fund**

|         |    |                   |
|---------|----|-------------------|
| Payroll | \$ | 255,094.02        |
| Bills   | \$ | <u>108,612.56</u> |
| Total   | \$ | 363,706.58        |

**Hotel Tax Fund**

|         |    |               |
|---------|----|---------------|
| Payroll | \$ | 1,570.95      |
| Bills   | \$ | <u>410.72</u> |
| Total   | \$ | 1,981.67      |

**Festival Management**

|       |    |                  |
|-------|----|------------------|
| Bills | \$ | <u>17,139.81</u> |
| Total | \$ | 17,139.81        |

**Insurance & Tort Judgment**

|       |    |                 |
|-------|----|-----------------|
| Bills | \$ | <u>4,416.00</u> |
| Total | \$ | 4,416.00        |

**Midtown TIF Fund**

|       |    |                 |
|-------|----|-----------------|
| Bills | \$ | <u>1,120.31</u> |
| Total | \$ | 1,120.31        |

**Water Fund**

|         |    |                  |
|---------|----|------------------|
| Payroll | \$ | 30,144.29        |
| Bills   | \$ | <u>32,401.60</u> |
| Total   | \$ | 62,545.89        |

**Sewer Fund**

|         |       |    |                  |
|---------|-------|----|------------------|
| Payroll |       | \$ | 32,334.71        |
| Bills   |       | \$ | <u>28,196.54</u> |
|         | Total | \$ | 60,531.25        |

**Cemetery Fund**

|         |       |    |                 |
|---------|-------|----|-----------------|
| Payroll |       | \$ | 3,454.57        |
| Bills   |       | \$ | <u>5,064.28</u> |
|         | Total | \$ | 8,518.85        |

**Health Insurance**

|       |       |    |                  |
|-------|-------|----|------------------|
| Bills |       | \$ | <u>53,928.49</u> |
|       | Total | \$ | 53,928.49        |

**Motor Fuel Tax Fund**

|       |       |    |               |
|-------|-------|----|---------------|
| Bills |       | \$ | <u>202.50</u> |
|       | Total | \$ | 202.50        |

Mayor Cline opened the floor for questions. No questions.

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline opened the floor for public presentation, petitions and communications.

Mrs. Jackie Record requested Administrator Gilmore to update the Council on the Depot project. Administrator Gilmore with input from Intern Cooper responded with a need for the certified FONSI (Findings of No Significant Impact) study to be completed by KAM Solutions before the June deadline submission of the grant application.

There was no other public discussion.

Mayor Cline seconded by Commissioner Ervin moved to adopt Ordinance 2008-5252, amending Ordinance No. 34.19 to include official establishment of the Mattoon Auxiliary Police Department.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2008-5252**

**AN ORDINANCE AMENDING ORDINANCE NO. 34.19 ENTITLED “SPECIAL AND TEMPORARY POLICE” TO INCLUDE OFFICIAL ESTABLISHMENT OF THE MATTOON AUXILIARY POLICE DEPARTMENT**

**WHEREAS**, many years ago at a time when there were no State of Illinois mandates concerning Auxiliary Police Departments, under the direction of the Chief of Police, the Mattoon Auxiliary Police Department was formed

from a group of volunteer citizens interested in assisting sworn Mattoon Police Officers, and

**WHEREAS**, since that time, the State of Illinois now has mandates concerning Auxiliary Police Units,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Amendments.** Section 34.19 of Chapter 34 of the Code of ordinances of the City of Mattoon are hereby repealed. Section 34.19 of Chapter 34 is reenacted as follows:

**§34.19 AUXILIARY, SPECIAL, AND TEMPORARY POLICE.**

**A. ESTABLISHMENT OF MATTOON AUXILIARY POLICE DEPARTMENT:**

That Ordinance 34.19 is hereby amended to include the official establishment and recognition of the unit to be officially known as the “Mattoon Auxiliary Police Department”.

**B. AUXILIARIES:** That said Mattoon Auxiliary Police Department shall be under the direction and control of the Mayor of the City of Mattoon. Auxiliary police, in number from time to time authorized by the Council, may be appointed by the Police Chief, and such appointees may be removed by said Chief at will.

**C. APPOINTMENT:** That before any such auxiliary police officer is so appointed, an investigation of the character and reputation of the candidate for appointment of such depth and scope as shall be deemed sufficient by the Police Chief shall be made. Prior to such appointment of any auxiliary police officer, his/her fingerprints shall be taken and no person shall be appointed as such auxiliary police officer if he/she has been convicted of a felony or other crime involving moral turpitude.

**D. QUALIFICATIONS AND LIMITATIONS ON DUTIES:** That such auxiliary police officers shall not be members of the regular police department of the City and shall not supplement members of the regular police department in the performance of their assigned and normal duties except as otherwise provided in this chapter or as provided by applicable statute. The identification symbols worn by such auxiliary police officers shall be different from those worn and used by members of the regular police department which symbols shall be selected by the Police Chief. Auxiliary police officers shall at all times during the performance of their duties be subject to the direction and control of the Police Chief or his designee.

**E. POWERS AND DUTIES:** When properly assigned and on duty and so authorized by the Police Chief, auxiliary police officers shall have the following powers and duties:

- (a) To aid or direct traffic, both pedestrian and vehicular, within the municipality;
- (b) To aid in the control of natural or man-made disasters;
- (c) To aid in case of civil disorder;

(d) Auxiliary officers do not possess “conservator of the peace” powers;

(e) Auxiliary officers shall only have arrest powers as provided by Illinois State Statute regarding “Assisting a Peace Officer” or “arrest by Private Person”.

F. FIREARMS: Such auxiliary police officers shall not carry firearms except with the permission of the Police Chief and then only while in uniform and in the performance of their duties.

G. TRAINING: Such auxiliary police officers prior to entering upon any of their duties shall complete the 40 hour Mandatory Firearms Training Course and other police procedures as shall be conferred upon them hereunder, which training and course of study shall be determined and provided by the Police Chief and which shall be reasonably sufficient to equip such auxiliary police officers to perform their duties; said training shall be as outlined in the Mattoon Auxiliary Police Department’s by-laws. The Police Chief shall file with the City Clerk a certificate attesting to the successful completion of such training by each auxiliary police officer before such auxiliary police officer enters upon any duty.

H. COMPENSATION: That said auxiliary police officers shall serve without any compensation or benefits, except as may be from time to time otherwise authorized by the City Council.

On the petition of any persons interested, the Mayor, by and with the consent of the Council, may appoint any qualified person as special police officer without pay, who shall hold office for a term not beyond the fiscal year, and shall qualify and give a like bond as a regular police officer. The Mayor may, when an emergency so demands, appoint temporary police officers, who shall give like bond and take a like oath as regular police officers, but who shall not hold office longer than until the next regular meeting of the Council.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 18th day of March, 2008, by a roll call vote, as follows;

|                |   |
|----------------|---|
| AYES (Names)   | <u>Commissioner Ervin, Commissioner Hall,</u><br><u>Commissioner McKenzie, Commissioner Schilling</u><br><u>Mayor Cline</u> |
| NAYS (Names)   | <u>None</u>   |
| ABSENT (Names) | <u>None</u>   |

Approved this 18th day of March, 2008.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:  
APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
s/ J. Preston Owen  
Susan J. O'Brien, City Clerk  
J. Preston Owen, City Attorney

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Recorded in the Municipality's Records on March 19, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Schilling moved to adopt Resolution 2008-2736, giving notice to the Illinois Department of Transportation of the 4<sup>th</sup> of July parade to be sponsored by the City of Mattoon.

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## CITY OF MATTOON, ILLINOIS

### RESOLUTION NO. 2008-2736

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code Authorizes the Illinois Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **9:00 AM** and **10:30 AM** on **July 4, 2008**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **July 4<sup>th</sup> Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)\* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

\*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED that the **City of Mattoon** hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$100,000 per person and \$500,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Illinois Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

PRESENTED this 18th day of March, **2008**. A.D.

APPROVED this 18th day of March, **2008** A.D.

ADOPTED this 18th day of March, **2008**. A.D.

/s/ David W. Cline  
MAYOR

ATTEST:

/s/ Susan J. O'Brien  
MUNICIPAL CLERK

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner McKenzie moved to adopt Resolution 2008-2737, giving notice to the Illinois Department of Transportation of the Bagelfest parade to be sponsored by the City of Mattoon.

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## CITY OF MATTOON, ILLINOIS

### RESOLUTION NO. 2008-2737

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code Authorizes the Illinois Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **10:30 AM** and **11:30 AM** on **July 19, 2008**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **Bagelfest Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)\* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

\*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED that the **City of Mattoon** hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$100,000 per person and \$500,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Illinois Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

PRESENTED this 18<sup>th</sup> day of March, **2008** A.D.

APPROVED this 18<sup>th</sup> day of March, **2008** A.D.

ADOPTED this 18<sup>th</sup> day of March, **2008**. A.D.

/s/ David W. Cline  
MAYOR

ATTEST:

/s/ Susan J. O'Brien  
MUNICIPAL CLERK

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Resolution 2008-2738, approving an update to the City's Equal Employment Opportunity Plan.



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**CITY OF MATTOON, ILLINOIS**

***RESOLUTION NO. 2008-2738***

**A RESOLUTION APPROVING AN UPDATE TO THE CITY OF MATTOON’S EQUAL EMPLOYMENT OPPORTUNITY PLAN**

**WHEREAS**, the purpose of an Equal Employment Opportunity Plan is to insure full and equal participation of men and women regardless of race or national origin in the workforce of an agency that receives federal grant funds; and

**WHEREAS**, it is now necessary for the City Council to update its Equal Employment Opportunity Plan to maintain continued eligibility for federal grants.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS** that the mayor is authorized to sign a document indicating the Council’s approval of an update to the City of Mattoon’s “Equal Employment Opportunity Plan”, a copy of which is attached hereto and incorporated by reference.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 18th day of March, 2008, by a roll call vote, as follows:

|                |   |
|----------------|---|
| AYES (Names)   | <u>Commissioner Ervin, Commissioner Hall,</u><br><u>Commissioner McKenzie, Commissioner Schilling</u><br><u>Mayor Cline</u> |
| NAYS (Names)   | <u>None</u>   |
| ABSENT (Names) | <u>None</u>   |

Approved this 18th day of March, 2008.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:  
APPROVED AS TO FORM:

/s/ Susan J. O’Brien  
s/ J. Preston Owen  
Susan J. O’Brien, City Clerk  
J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on March 19, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2008-859, approving and authorizing the Mayor to act as the agent for the City of Mattoon and negotiate accept and sign any and all documents necessary to bind the City of Mattoon for the acquisition of power for use by the City of Mattoon for the period ending in May 2009, so long as the charges for the power are less than those charged by AmerenCIPS.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to approve Council Decision Request 2008-860, approving the design contract with Hance, Utz & Associates for specifications of the renovation of the 3<sup>rd</sup> and 4<sup>th</sup> floors at Mattoon Police Department, authorizing competitive bids for the project, and authorizing the Mayor to sign the contract.

Commissioner McKenzie re-iterated his dissent of the project's total amount including infrastructure funds. Commissioner Hall requested a project limit for the Police Department and a selection of specific renovations.

Commissioner Schilling seconded by Commissioner Hall moved to amend CDR 2008-860 to approve the design contract with Hance, Utz & Associates for specification of the renovation of the 3<sup>rd</sup> and 4<sup>th</sup> floors at the Mattoon Police Department, and authorize the Mayor to sign the contract with no authorization for competitive bids.

Mayor Cline declared the motion to amend CDR 2008-860 carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to approve the amended CDR 2008-860 approving the design contract with Hance, Utz & Associates for specifications of the renovation of the 3<sup>rd</sup> and 4<sup>th</sup> floors at the Mattoon Police Department, and authorizing the Mayor to sign the contract.

Mayor Cline declared the motion to approve the amended CDR 2008-860 carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to recess to closed session at 7:18 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the price for sale or lease of property (5 ILCS 120(2)(c)(6)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); and employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA

Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Council reconvened at 8:52 p.m.

Commissioner McKenzie seconded by Commissioner Schilling moved to adjourn at 8:52 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

/s/ Susan J. OBrien  
City Clerk